

1 Robert R. Pohls (California Bar #131021)
2 **POHLS & ASSOCIATES**
3 1550 Parkside Drive, Suite 260
Walnut Creek, California 94596
Telephone: (925) 973-0300
Facsimile: (925) 973-0330
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5 Attorneys for Defendants **Velocity Express**
Leasing, Inc. and **Velocity Express, LLC**
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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9

10 ELSA LAZARTE,
11 Plaintiff,
12 vs.
13 VELOCITY EXPRESS LEASING, INC.,
VELOCITY EXPRESS, INC., and VELOCITY
14 EXPRESS, LLC.,
15 Defendants.
16

Case No. CV13-5654-MMC
**STIPULATION AND PROPOSED
ORDER EXTENDING CASE
MANAGEMENT DEADLINES**

17 **RECITALS**

18 1. Each party to this action has propounded and responded to written discovery and is
19 actively attempting to informally resolve certain related disputes;
20 2. Each party to this action has scheduled depositions which have yet to take place but
21 which they wish to defer until their outstanding written discovery has been completed;
22 3. Pursuant to Rule 30(b)(6) of the *Federal Rules of Civil Procedure*, plaintiff Elsa Lazarte
23 has propounded a notice for the deposition(s) of both defendant Velocity Express
24 Leasing, Inc. (VEXL) and defendant Velocity Express, LLC (VELLC), but neither VEXL
25 nor VELLC has current officers, directors or managing employees, and the process of
26 identifying “other persons” who might serve as their designee(s) is ongoing and not yet
27 complete;

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**STIPULATION AND PROPOSED ORDER
EXTENDING CASE MANAGEMENT DEADLINES**
Case No. CV13-5654-MMC

- 1 4. Plaintiff wishes to schedule the depositions of other personnel from VEXL and/or
- 2 VELLC but, because those personnel no longer are employed by VEXL and/or VELLC,
- 3 must serve them with subpoenas and cannot do so until their addresses are known to
- 4 her;
- 5 5. Lead counsel for VEXL and VELLC has prior commitments in other cases which
- 6 substantially limit his availability between the date of this stipulation and March 20,
- 7 2015;
- 8 6. Lead counsel for VEXL and VELLC has long-standing plans to be out of the country on
- 9 a pre-paid vacation from March 21, 2015 through April 4, 2015;
- 10 7. The last date for completing non-expert discovery in this action currently is set for
- 11 March 30, 2015;
- 12 8. VEXL and VELLC anticipate filing a motion for summary judgment or, the alternative,
- 13 partial summary judgment, but wish to defer filing that motion until the non-expert
- 14 discovery in this action (including plaintiff's deposition) has been completed; and
- 15 9. Because the last date on which a potentially dispositive motion can be heard currently is
- 16 set for May 15, 2015, the last date on which a potentially dispositive motion can timely
- 17 be filed currently is April 10, 2015.

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19 **STIPULATION**

20 IT IS HEREBY STIPULATED, by and among plaintiff Elsa Lazarte, defendant Velocity

21 Express Leasing, Inc. (VEXL), and defendant Velocity Express, LLC (VELLC), through their

22 respective attorneys of record, that:

- 23 1. The deadline for completing non-expert discovery in this action be extended from
- 24 March 30, 2015 to June 1, 2015;
- 25 2. The last day for hearing potentially dispositive motions in this action be extended
- 26 from May 15, 2015 to July 17, 2015;
- 27 3. The deadline for initial expert disclosures in this action be extended from June 15,
- 28 2015 to August 17, 2015;

**STIPULATION AND PROPOSED ORDER
EXTENDING CASE MANAGEMENT DEADLINES
Case No. CV13-5654-MMC**

1 4. The deadline for rebuttal expert disclosures in this action be extended from June 29,
2 2015 to August 31, 2015;
3 5. The deadline for completing expert discovery in this action be extended from
4 August 17, 2015 to October 19, 2015;
5 6. The Pretrial Conference in this action be continued from September 29, 2015 to
6 November 30, 2015 or such later date as is available on the Court's calendar; and
7 7. The Trial in this action be continued from October 13, 2015 to December 15, 2015 or
8 such later date as is available on the Court's calendar.

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10 IT IS SO STIPULATED.

11 **LAW OFFICE OF DANIEL VEGA**

12 */s/ Daniel Martinez de la Vega*

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Daniel Martinez de la Vega
14 Attorneys for Plaintiff **Elsa Lazarte**

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16 IT IS SO STIPULATED.

17 **POHLS & ASSOCIATES**

18 */s/ Robert R. Pohls*

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Robert R. Pohls
20 Attorneys for Defendants **Velocity Express**
21 **Leasing, Inc.** and **Velocity Express, LLC**

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23 **ORDER**

24 IT IS SO ORDERED.

25 IT IS FURTHER ORDERED that:

26 1. The deadline for completing non-expert discovery in this action be and hereby is
27 extended from March 30, 2015 to June 1, 2015;

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**STIPULATION AND PROPOSED ORDER
EXTENDING CASE MANAGEMENT DEADLINES**
Case No. CV13-5654-MMC

2. The last day for hearing potentially dispositive motions in this action be and hereby is extended from May 15, 2015 to July 17, 2015;
3. The deadline for initial expert disclosures in this action be and hereby is extended from June 15, 2015 to August 17, 2015;
4. The deadline for rebuttal expert disclosures in this action be and hereby is extended from June 29, 2015 to August 31, 2015;
5. The deadline for completing expert discovery in this action be and hereby is extended from August 17, 2015 to October 19, 2015;
6. The Pretrial Conference in this action be and hereby is continued from September 29, 2015 to 3:00 p.m. on March 8, 2016, 2015; and
7. The Trial in this action be and hereby is continued from October 13, 2015 to 9:00 a.m./p.m. on March 21, 2016, 2015. no earlier date being available.

DATED: March 19, 2015

Hon. Maxime M. Chesney
UNITED STATES DISTRICT JUDGE